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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/531,149 | 04/12/2005 | Stefan Unzicker | | 9110 |

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01/10/2007

EXAMINER

HOLZEN, STEPHEN A

ART UNIT

PAPER NUMBER

3644

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 31 DAYS | 01/10/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/531,149

Applicant(s)

UNZICKER, STEFAN

Examiner

Stephen A. Holzen

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Restriction is required and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- I. Claims 1-29, drawn to a vertical takeoff and landing aircraft, classified in class 244, subclass 12.5.
- II. Claims 30-33, drawn to method using an aircraft classified in class 244, subclass 12.4.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the fail to share a common special technical feature since the claims are anticipated by US 3977630.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

4. If applicant elects group II above, then applicant is further required to elect a single disclosed species of use for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.
 - a. Wherein the device is used in a nose up take off and landing (Claim 30)
 - b. Wherein the device is used for a vertical take off only (Claim 31)

- c. Wherein the device is used for a vertical landing only (Claim 32)
 - d. Wherein the device is used to transition from a vertical to a horizontal flight mode. (Claim 33)
5. Upon electing one of groups I or II above, applicant is required to elect a single disclosed species of flaps for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.
- e. Wherein the flaps are of a fowler type (Claim 6)
 - f. Wherein the flaps are of a Handley type (Claim 6)
6. Upon electing one of groups I or II above, applicant is required to elect a single disclosed species of high lift devices for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.
- g. Slats
 - h. Nose Flap
 - i. Krueger Flap
7. Upon electing one of groups I or II above, applicant is required to elect a single disclosed species of trim systems for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.
- j. Simple compartments in the nose and the tail that are loaded with shot bags before take-off

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k. Aft and nose tanks, and means for pumping a liquid to and from said tanks

8. Upon electing one of groups I or II above, applicant is required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

l. Figure 1

m. Figure 17

9. Upon electing one of groups I or II above, applicant is required to elect a single disclosed species of directional control systems for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

n. Nose Mounted

o. Tail Mounted

10. Upon electing one of groups I or II above, applicant is required to elect a single disclosed species of propellers for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

p. Where the propellers do not have a duct

q. Where the propellers do have a duct

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11. If applicant elects 9q above, applicant is further required to elect a single disclosed species of ducts for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

- r. Wherein the duct is stationary
- s. Wherein the duct is rotational

12. Applicant is required to elect a single disclosed species of propellers for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

- t. Wherein the propellers are mounted to the nose of the aircraft
- u. Wherein the propellers are mounted to the wing of the aircraft

13. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the

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inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103 (a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sah

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